

**BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS  
IN MEDICINE AND SURGERY**

IN THE MATTER OF:	)	Case No. 3250
	)	
ETHAN O. KENNEDY, D.O.	)	<b>FINDINGS OF FACT, CONCLUSIONS</b>
Holder of License No. 3123 for the	)	<b>OF LAW, AND ORDER OF SUMMARY</b>
practice of osteopathic medicine in the	)	<b>SUSPENSION</b>
State of Arizona.	)	
_____	)	

The AZ Board of Osteopathic Examiners (hereafter "Board") held a public meeting on September 26, 2003 regarding Ethan O. Kennedy, D.O. (hereafter "Respondent"). Respondent was present for the meeting, and was represented by counsel. Following the Board's review of information obtained pursuant to A.R.S. §§ 32-1855 and 32-1855.01, and having considered the information given in the matter and being fully advised, the Board enters the following Findings of Fact, Conclusions of Law, and Order of Summary Suspension, pending a formal Administrative Hearing.

**FINDINGS OF FACT**

1. The Board is empowered, pursuant to A.R.S. §§ 32-1800 et seq. to regulate the licensing and practice of osteopathic medicine in Arizona.
2. Respondent was issued and holds license no. 3123 to practice osteopathic medicine in Arizona.
3. The Board has the authority to summarily suspend an osteopathic license pursuant to A.R.S. § 32-1855(C) and § 41-1064 when the physician may not safely engage in the practice of medicine and is an immediate threat to the public's health, welfare and safety.

4. On or about September 10, 2003, the Board obtained information from the Drug Enforcement Agency that Respondent may be medically and/or psychologically unable to safely and skillfully engage in the practice of medicine and may have committed one or more acts of unprofessional conduct as defined in A.R.S. § 32-1854.

5. On September 11, 2003 the Board's Executive Director issued an Order for Random Urine Drug Screens for Respondent.

6. On September 15, 2003, the results of that screen showed that Respondent was positive for bupropion, tramadol, and methadone. The methadone quantitative result was 9,144 ng/ml.

7. On September 15, 2003, Respondent informed the Executive Director that he was currently under the care of two physicians who had prescribed him medications; that Thomas Grade, M.D. prescribed methadone, and that Paul Jendre, D.O., Respondent's partner, prescribed Ativan (lorazepam).

7. Patient records obtained from Dr. Grade showed Respondent had been a patient July through October 2000, and had not been seen again until September 12, 2003. There was no record that Respondent was prescribed methadone, bupropion, or tramadol by Dr. Grade on or prior to September 11, 2003.

8. Patient records obtained from Dr. Jendre showed Respondent had been seen once, on or about June 25, 2003, at which time Respondent was prescribed Ativan. There was no record that Respondent was prescribed or taking methadone, bupropion, or tramadol, or any medication other than Ativan.

9. On September 23, 2003, Respondent informed the Executive Director that he was

obtaining the methadone from his patients, when they returned to him methadone he had prescribed for their therapeutic use, and from samples.

10. In public session, the Board voted on September 26, 2003 that Respondent is medically and/or psychologically unable to engage in the practice of medicine and is an immediate threat to the health and welfare of the public.


**ORDER OF SUMMARY SUSPENSION**

**NOW, THEREFORE, IT IS ORDERED AS FOLLOWS:**

Pursuant to A.R.S. §§32-1855(C) and 41-1064(C), License No. 3123 held by ETHAN O. KENNEDY, to practice osteopathic medicine is summarily suspended in the State of Arizona effective September 26, 2003, pending further disciplinary proceedings or until further Order of the Board.

ISSUED this 26th day of September, 2003.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS  
IN MEDICINE AND SURGERY



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*personal screen*  
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